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**Conveyance by Husband and Wife—Curtesy.**—That a man is deprived of his curtesy interest in land by conveying it to his wife to her sole, separate, and exclusive use, free and discharged from all his control and liabilities, is held in *Bingham v. Weller* (Tenn.), 69 L. R. A. 370. A note to these cases reviews all the other authorities on effect of conveyance by husband to wife.

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**Statute of Limitations—When It Runs against the National Bank an Effort to Enforce the Liability of Stockholders.**—A state statute of limitations is held, in *Rankin v. Barton*, *Advance Sheets* U. S. 29, not to begin to run against the right to enforce the individual liability of stockholders in a national bank until the amount of such liability has been ascertained and assessed by the Comptroller of the Currency.

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**Personal Property of Railroads—Situs for Taxing Purposes.**—The right of the legislature to provide for the valuation and assessment of the property of railway companies by one assessing body, and for ascertaining the value of the whole of such property of any one railway corporation subject to taxation in the state as a unit, or as an entirety, and to distribute the value as thus found over the main line or track of such railway company, and to the different taxing districts, municipalities, etc., on a mileage basis, is sustained in *State ex rel. Morton v. Back* (Neb.), 69 L. R. A. 447. An elaborate note to these cases reviews all the other authorities on the situs, for taxing purposes, of tangible personal property of domestic corporations in the United States.

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**Constitutional Law—Class Legislation.**—In *People v. Harry Marcus*, decided January 1905, the Appellate Division of the Supreme Court of New York, held that Sec. 171a of the Penal Code, rendering criminally liable any employer of labor who should make a condition of employment that the employee should not belong to a labor union was not unconstitutional.

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**Negligence—Damages—Mental Suffering.**—In *Watson v. Augusta Brewing Co.*, decided by the Supreme Court of Georgia in November 1905 (52 S. E. 152), the following is the syllabus by the court:

“A manufacturer who makes and bottles for public consumption a beverage represented to be harmless and refreshing is under a legal duty not negligently to allow a foreign substance which is injurious to the human stomach, such as bits of broken glass, to be present in a bottle of the beverage when it is placed on sale; and one who, relying on this obligation and without negligence on his own part, swallows several pieces of glass while drinking the beverage

from a bottle, may recover from the manufacturer for injuries sustained in consequence.

One who, under the circumstances stated in the preceding head-note, swallows several pieces of glass, which are subsequently removed from his stomach, leaving apparently no permanent injuries, may recover on account of mental suffering caused by the fear of death while the glass was in his stomach; but a vague fear, after the removal of the glass and he has been restored to health, that at some time in the future he may again suffer as a result of his injuries, cannot be made an element of damage in a suit against the manufacturer of the beverage."

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**Negligence—Electricity—Injury to Children—Proximate Cause.—**

In *Stark v. Muskegon Traction and Lighting Company*, decided by the Supreme Court of Michigan in October, 1905 (104 N. W. 1101), it appeared that electric light wires were suspended only 19 feet above the ground, whereas the city ordinance required them to be suspended 25 feet above the ground. There was also evidence of their defective insulation. Plaintiff, a boy 10 years of age, was playing with other children on the ground beneath the wires, when a telephone wire, strung on the same post with the light wires, became broken and was thrown by one of the children over the light wires, where it came in contact with defective insulation. Plaintiff took hold of the telephone wire in order to experience the shock which another boy had received and to show his valor, and was injured. It was held that neither the defective insulation nor the distance of the wires from the ground was the proximate cause of the injury to plaintiff, but such injury was the result of his own wrongful interference with the wires.

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**Right to Fish—Regulation—Seizure and Sale of Illegal Fish Nets—Due Process of Law.—**In *Daniels v. Homer*, decided by the Supreme Court of North Carolina in October, 1905 (51 S. E. 992), it was held that the right to fish in the inland waters of the state and extending for a marine league out to sea is absolutely subject to the regulations of the Legislature, and is not an individual or property right.

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**Vendor and Vendee—Rescission of Contract—Misdescription of Property.—**In *Davis v. Scher*, decided by the Supreme Court of New Jersey in November, 1905 (62 Atl. 193), it was held that a statement of the number of rooms in a building in Newark contained in a written contract for sale of real estate is so material that its falsity will justify the vendee in rescinding the contract, although the vendor may be able to make the building answer the description before the day for performance.